

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

BER'NEICE HARRIS

PLAINTIFF

V.

CIVIL ACTION NO. 2:09CV67-B-A

BOYD TUNICA, INC.

DEFENDANT

ORDER

This cause comes before the court upon the plaintiff's motion for reconsideration of the court's March 30, 2010, order granting the defendant's motion to dismiss. *See* Fed. R. Civ. P. 60(b). The court granted the defendant's motion because it was uncontested that the complaint was filed more than ninety days after the plaintiff received her right-to-sue letter¹ and because the plaintiff did not provide adequate grounds for equitable tolling of the statutory period.

The plaintiff argued that the court should equitably toll the filing period due to her attorney's inadvertence. The court refused, as equitable tolling does not normally apply to situations of "attorney inadvertence" or the "inadvertence of [the] attorney's staff." *Kaura v. Pinkerton Security and Investigation Services*, 965 F. Supp. 16, 17 (S.D. Miss. 1997). The court noted that "[a] party is bound by the acts of her lawyer/agent." *Id.* (citing *Irwin v. Dep't of Veterans Affairs*, 498 U.S. 89 (1990)).

In her motion for reconsideration, the plaintiff simply rehashes the above-referenced argument, which this court has previously rejected. "A motion for reconsideration may not be used to rehash rejected arguments or introduce new arguments." *Westbrook v. C.I.R.*, 68 F.3d 868, 879 (5th Cir. 1995). The plaintiff cites no new authority and fails to present any of the appropriate grounds for relief set forth in Federal Rule of Civil Procedure 60(b).

¹*See* 42 U.S.C. § 2000e-5(f)(1).

For the foregoing reasons, the court finds that the plaintiff's motion to reconsider is not well taken and shall be **DENIED**.

SO ORDERED AND ADJUDGED this, the 27th day of May, 2010.

/s/ Neal Biggers

NEAL B. BIGGERS, JR.
SENIOR U.S. DISTRICT JUDGE